

Exhibit 63

Plaintiffs' Corrected Averment of Jurisdictional Facts and
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank
Pursuant to Rule 56.1

~~TOP SECRET~~ [REDACTED]

(U) FAC No. SDG-232587

(U) SDG/I/04: 202-205

(U) **MEMORANDUM FOR R. RICHARD NEWCOMB**

DIRECTOR

OFFICE OF FOREIGN ASSETS CONTROL

(U) **THROUGH:** [REDACTED]

Chief, Foreign Terrorist Programs Division

(U) **FROM:**

Foreign Terrorist Programs Division Officer

(U) **SUBJECT:**

Designation of AL-HARAMAIN FOUNDATION (AHF)
locations in the United States, the Comoros Islands, and AHF
official Soliman AL-BUTHE pursuant to the authorities of E.O.
13224

(U) ENTITIES:

(U) AL-HARAMAIN FOUNDATION United States locations:

(U) 1257 Siskiyou Blvd.
Ashland, OR 97520

(U) 3800 Highway 99 S, Ashland, OR 97520-8718
[Source: Exhibit 88]

(U) 2151 E Division St.,
Springfield, MO 65803

[Source: Exhibit 87; United States District Court, District of Oregon, Affidavit in Support of an
Application for search Warrant, Exhibit 95]

Derived from: [REDACTED]
Declassify on: [REDACTED]

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(U) AL-HARAMAIN FOUNDATION Comoros Islands location:

~~(S)~~ B/P: 1652 Moroni, Comoros (declassified)[REDACTED] Exhibit 146]¹(U) INDIVIDUAL:

(U) Soliman AL-BUTHE

~~(S)~~ [REDACTED] a.k.a. Soliman Al-Batahai a.k.a. Soliman Al-Bathi [Source: [REDACTED]
(declassified)

(U) DOB: 12/8/1961

(U) POB: Egypt

(U) Nationality: Saudi Arabia

(U) Saudi Arabia Passport #: B049614

[Source: State Department, Bureau of Consular Affairs, Exhibit 76]

(U) Saudi Arabia Passport #: C536660

[Source: Exhibit 139]

(U) INTRODUCTION:

(U) President Bush issued Executive Order 13224 (E.O.) on September 23, 2001 declaring a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and the Pentagon. The E.O. authorizes the Secretary of the Treasury, in consultation with the

¹ ~~(S)~~ [REDACTED] The above entities are proposed for designation. Some AHF entities, identified in bold, were already designated. Additional AHF entities, including its Headquarters, are identified below.

~~(S)~~ [REDACTED] Headquarters: West Al-M'ather St.

Riyadh, Saudi Arabia

[REDACTED] Exhibit 10]

(U) P.O. Box 69606

Riyadh, Saudi Arabia 11557

[Source: www.arriyadh.com, accessed on 12/23/2003, Exhibit 52]

~~(S)~~ [REDACTED] Additional AHF branch offices in Saudi Arabia are located in Makkah, Jeddah, Taif, Yanbu, Quway'iyah, Khamees Mushait, Dammam, Al-Ahsa, Al-Khobar, Abqaiq, Al-Khafji, Industrial Jubail, Jubail City, Tabuk and possibly elsewhere. [REDACTED] Exhibit 10]

~~(S)~~ [REDACTED] AHF also is located, or maintains or maintained activities in **Bosnia, Somalia, Pakistan, Kenya, Tanzania, Indonesia, Afghanistan, Albania, Bangladesh, Ethiopia, The Netherlands**, the Philippines, Kashmir, Iran, Iraq, Burma, Kazakhstan, Tajikistan, Russia, Nepal, Lebanon, Sierra Leone, China, Yemen, India, Jordan, Azerbaijan, Chechnya, Palestine, Syria, Sri Lanka, Cambodia, Thailand, Vietnam, Nigeria, Djibouti, Mauritania, Ghana, Guinea, Benin, Uganda, Sudan, Burkina Faso, Eritrea, Chad, Cameroon, Gambia, Mali, Niger, Senegal, Croatia, Macedonia, Kosovo, Belgium, France, Sweden, Australia, Kurdistan, Coroshai, Canada, Georgia and possibly elsewhere.

[Source: AHF 2000 Annual Report in Arabic, Translation of pertinent parts, Exhibit 50; [REDACTED] Exhibit 10; www.arriyadh.com, accessed on 12/23/2003, Exhibit 52; [REDACTED] Exhibit 89; [REDACTED] Exhibit 107; [REDACTED] Exhibit 90]

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Secretaries of State and Homeland Security,² and the Attorney General, to designate those persons determined to be:

- (1) (U) owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the E.O., or those determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the E.O.;
- (2) (U) assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to E.O. 13224 or determined to be subject to the E.O.; or
- (3) (U) associated with those persons listed in the Annex, or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the E.O.

(U) The following evidence in the files of the Office of Foreign Assets Control provides reason to believe that the above-named entities and individual satisfy the criteria for designation pursuant to Executive Order 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism."

(U) AL-HARAMAIN FOUNDATION (AHF)

(U) OVERVIEW

(S) [REDACTED] The Al Qaida-affiliated AHF offices in Bosnia and Somalia were designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]³ At the time, the Saudi Arabia-based headquarters of the organization and other branch offices were not identified publicly as supporting terrorist activity; primarily, to allow time for the U.S. to work with Saudi authorities. [Source: [REDACTED] Exhibit 8]

on January 22, 2004, Saudi Arabia joined with the United States and designated additional AHF offices in Indonesia, Kenya, Tanzania, and Pakistan pursuant to the authorities of E.O. 13224. These actions were based on evidence that these entities provided support to Specially Designated Global Terrorist organizations including Al Qaida, Jemaah Islamiyah, Al-Ittihad al-Islamiyya and others. [Source: U.S. Department of Treasury, Press Room, January 22, 2004, Exhibit 99]⁴

(S) [REDACTED]

[REDACTED] Exhibit 138]

(S) [REDACTED] Continuing coordinated efforts, on June 2, 2004, the United States and Saudi Arabia designated additional AHF offices in Afghanistan, Albania, Bangladesh, Ethiopia, and The

² (U) E.O. 13224 was amended by E.O. 13284 (January 23, 2003) by adding the Secretary of Homeland Security to the consultative process.

³ (U) Subsequent to the designation, AHF in Bosnia reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98]

⁴ (U) The administrative records supporting these designations are incorporated into this document by this reference.

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Netherlands. The U.S. also designated AHF's founder and long-time leader, Aqeel Abdulaziz Al-Aqil. These actions were based on evidence that these entities provided support to Specially Designated Global Terrorist organizations including Al Qaida, Al-Ittihad al-Islamiyya and others. [Source: U.S. Department of Treasury, Press Room, June 2, 2004, Exhibit 137]⁶ By mid-August 2004, AHF reportedly intended to discontinue its overseas operations and close all of its overseas branches, [REDACTED]

(S) [REDACTED] Information set forth below provides reason to believe that AHF, including its headquarters and all its branch offices, is one of the principal Islamic NGO's active throughout the world providing support for the Al Qaida network and promoting militant Islamic doctrine worldwide. AHF has been infiltrated by Al Qaida and has been used by Al Qaida for cover and concealment of assets and material, [REDACTED] [Source: [REDACTED]

[REDACTED] Exhibit 2; see also

Exhibit 15; [REDACTED] AHF "belongs to" the Usama Bin Ladin-established "World Front of the Jihad Against Jews and Christians," which includes the Egyptian Gama Al-Islamiya, the Egyptian Islamic Jihad (EIJ), the Abu Sayyaff Group (ASG) and the Harakat Ul Ansar of Pakistan, [REDACTED]. [Source: [REDACTED] Exhibit 4; [REDACTED] Exhibit 7] All these organizations are Specially Designated Global Terrorists pursuant to the authorities of E.O. 13224.

(S) [REDACTED] Prior to the removal of the Taliban from power in Afghanistan, AHF was linked to Makhtab al-Khidemat (MK) [REDACTED]

[REDACTED] Exhibit 5] MK, co-founded and financed by Usama bin Ladin (UBL), is an SDGT pursuant to the authorities of E.O. 13224 and the pre-cursor organization of Al Qaida. [Source: United States of America -against- Mohammed Ali Hasan Al-Moayad, Affidavit in Support of Arrest Warrant, Exhibit 70] [REDACTED]

[REDACTED] Exhibit 6]

(S) As of January 2003, numerous AHF field offices and representatives operating throughout Africa, Asia, Europe, and North America appeared to be providing financial and logistical support to Al Qaida. Terrorist organizations including Al-Ittihad Al-Islamiya, Egyptian Islamic Jihad, Hamas and Lashkar I-Taibah are receiving funding from AHF and using AHF as a front for fundraising and operational activities. [Source: [REDACTED] Exhibit 8]

(TS) [REDACTED] In mid-April 2002, AHF was "involved with" a group of sixty Afghan persons "trained to attack Westerners," [REDACTED] Exhibit 9] Reportedly, one AHF employee believed to belong to Al Qaida is currently detained in Guauntanamo, Cuba, [REDACTED]

⁶ (U) The administrative records supporting these designations are incorporated into this document by this reference.

⁷ (U) These reported actions appear to comport with official Saudi policy regarding Non-Governmental Organizations (NGOs). On June 2, 2004, the Adviser to Saudi Crown Prince Abdullah stated that existing entities, including AHF, will be dissolved or have their assets folded into the Saudi National Entity for Charitable Work Abroad. The Adviser explained that the Saudi National Entity for Charitable Work Abroad will be the sole vehicle through which all private Saudi donations will go to help those in need. According to the Saudi advisor, the purpose of this effort is to put in place new regulations and financial control mechanisms to ensure that people "don't take advantage of our financial system or of our charities." [Source: Federal News Service, June 2, 2004, Exhibit 135]

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(TS) [REDACTED] In late 2003, a journalist suspected of meeting with Al Qaida and Taliban members in Afghanistan also was suspected of transferring funds on behalf of the Al Qaida-affiliated AHF, and forwarding videotapes from Al Qaida leaders to al Jazeera TV for broadcast, [REDACTED]

(U) AHF HEADQUARTERS CONTROL OF ORGANIZATION

(TS) [REDACTED] According to the homepage for AHF in September 2002, AHF is headquartered in Riyadh, Saudi Arabia and maintains 14 offices in Saudi Arabia and is active in over 50 countries. At the time, the "superintendent of all [AHF] activities" was identified as the Honorable Shaykh Saleh Ibn Abdul-Azeez Ali Shaykh, Minister of Islamic Affairs, Endowments, and Call and Guidance. This Shaykh was also the Chairman of AHF's Administrative Board which "follows the activities of [AHF]." AHF's Director, at least until late 2003 or early 2004, was Aqeel Abdul-Azeel [Al-Aqil]. [Source: [REDACTED] Exhibit 10]

(S) As of January 2003, the U.S. judged that AHF's Director Al-Aqil⁸, who at the time managed AHF's business on a day-to-day basis, was providing funds to offices with terrorist ties in ways that avoided foreign government scrutiny, such as using personal bank accounts to transfer official AHF funds, [REDACTED]

(TS) [REDACTED] By early 2004, Al-Aqil reportedly had been removed from his position as head of AHF, according to a variety of reporting. Yet according to a Saudi news report, Al-Aqil reportedly stated, "I resigned willingly. I wanted to give new blood a chance to assume the responsibilities, since I have personal business that I need to attend to. I have not left the organization, I have just resigned as General Manager, I will stay on as an active member and as an advisor," according to diplomatic reporting. Al-Aqil had reportedly been the head of AHF for over twenty years and was one of AHF's founders, [REDACTED]

[REDACTED] Exhibit 72;

Exhibit 97; See also [REDACTED] Al-Hayah in Arabic, January 8, 2004, Exhibit 104]

(U) Among the reasons for Al-Aqil's removal was his "absolute centralization" of AHF, according to a Saudi news report. [Source: [REDACTED] Al-Hayah in Arabic, January 8, 2004, Exhibit 104] Mansour Al-Kadi, Al-Aqil's deputy and one of AHF's main leaders,⁹ cited Al-Aqil's "autocratic and centralist governance" of AHF as the main reason for his resignation, according to an Arabic language posting on an Internet forum. Though Al-Kadi is reportedly implicated in working with Al-Aqil to support Al Qaida terrorist activity,¹⁰ Al-Kadi's purported posting on the Internet identifies Al-Aqil as the "only individual with final decision making on spending...and the one with the authority to hire employees, even if it is just a janitor." [Source: <http://alsaha.fares.net/>, Exhibit 106] As set forth below, the AHF headquarters, under Al-Aqil's leadership, provided funding and instructions that governed the activities of AHF throughout the world including in Bosnia, Albania, Iraq, the United States, and elsewhere.

⁸ (TS) [REDACTED] The following additional examples identify Al-Aqil as the head of AHF. [Source: [REDACTED]

[REDACTED] Exhibit 40;

[REDACTED] Exhibit 42]

[Source: [REDACTED]

[REDACTED] Exhibit 42;

[REDACTED] Exhibit 46;

[REDACTED] Exhibit 47; AHF Tax Form 990, 2001, Exhibit 39;

[Source: [REDACTED] Exhibit 45;

[REDACTED] 1 MAR 02, Exhibit 68; [REDACTED] Exhibit 69]

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(S) [REDACTED] AHF implements its tasks through its offices and representatives spread through more than 50 countries around the world. AHF maintains nine general committees and several other "active committees" that include the "Continuous Charity Committee, African Committee, Asian Committee, Da'wah and Sponsorship Committee, Masjid Committee, Seasonal Projects Committee, [AHF] Doctor's Committee, European Committee, Internet and the American Committee, the Domestic Committee, Zakaat Committee, and the Worldwide Revenue Promotion Committee," according to the AHF homepage in September 2002. [Source: [REDACTED] Exhibit 10]

(S) [REDACTED] AHF's Hisham Al-Mashari is a known operative in UBL's terrorist support network, according to the FBI. [REDACTED] Exhibit 21]

[REDACTED]

Exhibit 12]

(TS) [REDACTED] In December 2003, an Albania-based AHF official [REDACTED] expected to receive U.S. \$17,813 [REDACTED] and to transfer this amount to Al-Mashari [REDACTED]

[REDACTED] Exhibit 55]

[REDACTED] Exhibit 81; see also [REDACTED]

¹¹ (U) AHF's Bosnia office was designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]

¹² (U) Subsequent to the designation of AHF in Bosnia, it reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98] The administrative records supporting the designation of Vazir are incorporated into this document by this reference.

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Exhibit 116] As of March 2004, Al-Aqil, and his deputy Mansour Al-Kadi, were identified as board members of AHF in The Netherlands, [REDACTED] [Source: [REDACTED] Exhibit 108]

(U) UNITED STATES

(U) In late 2001, the senior AHF official in the U.S., Perouz Seda Ghaty, sought a license from OFAC to purportedly assist Afghan refugees in border camps in Iran on the Iranian/Afghanistan border. [Source: Correspondence from Perouz Seda Ghaty to the OFAC Licensing Division, November 1, 2001, Exhibit 37] Following the dual-U.S. Embassy bombing attacks in East Africa in August 1998, Seda reportedly confided to an FBI source that he was "in trouble." When asked by the FBI source to elaborate, Seda said that he received \$500,000 from UBL-- "through Bosnia." Seda was described as a "fundamentalist" who has sought to convert prison inmates to the Islamic faith. [Source: File# 265A-NY-280350-302, Exhibit 38]

(U) As part of Seda's request to OFAC in November 2001,¹³ he reported that Shaykh Al-Aqil, identified as the President of AHF, agreed to Seda's proposal to fund \$500,000 for assistance to Afghan refugees in border camps in Iran. On the U.S. AFH's tax form 990 for 2001 filed with the IRS, Al-Aqil is identified as the President, Al-Kadi as the Vice President, AL-BUTHE as the Treasurer, and Seda as the Secretary. [Source: AHF Tax Form 990, 2001, Exhibit 39] The U.S. AHF branch's Articles of Incorporation and application to the IRS for tax-exempt status also list Al-Aqil, Al-Kadi, Seda, and AL-BUTHE as members of the board of directors. [United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(TS) [REDACTED] As of March 2003, due to pressure from the U.S. on Saudi authorities to close AHF, Al-Aqil and Al-Kadi reportedly resigned from the U.S. AHF office, according to [REDACTED] and information submitted to OFAC by AHF's Counsel. [REDACTED] Correspondence from Bernabei & Katz, PLLC to OFAC, August 4, 2004, (AHF Counsel Exhibits 1 and 2), Exhibit 151] On February 18, 2004, Federal law enforcement authorities executed a search warrant against property purchased on behalf of AHF in Ashland, Oregon. The search was conducted pursuant to a criminal investigation into possible violations of the Internal Revenue Code, the Money Laundering Control Act and the Bank Secrecy Act. In a separate administrative action, OFAC blocked pending investigation AHF accounts and real property in the U.S. to ensure the preservation of AHF assets pending further investigation. [Source: U.S. Department of Treasury, Press Room, February 19, 2004, Exhibit 94; United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(U) OTHER PARTS OF THE WORLD(U) IRAN

(TS) [REDACTED] An AHF official that reportedly coordinated arms deals with the Al Qaida-affiliated Abu Musa'ab Al-Zarqawi, an SDGT, was instrumental in establishing a branch of AHF in Iran, [REDACTED] The AHF branch in Iran was linked to efforts by "WAFA" to move weapons related items through Pakistan into Afghanistan during the conflict in

¹³(U) [Source: Correspondence from Perouz Seda Ghaty to the OFAC Licensing Division, November 1, 2001, Exhibit 37]

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Afghanistan in late 2001. [REDACTED] WAFA Humanitarian Organization is a Specially Designated Global Terrorist pursuant to the authorities of E.O. 13224. [Source: Department of State, Public Notice 3852, Exhibit 26] [REDACTED]

[REDACTED]

(U) COMOROS ISLANDS, ETHIOPIA, and BANGLADESH

(S) [REDACTED]

[REDACTED]

[REDACTED] Exhibit 100] In 1998, the U.S. received a list of seven suspected Al Qaida members in the Comoros, two of which were associated with AHF, [REDACTED] [Source: [REDACTED] Exhibit 152] ¹⁵

(S) [REDACTED] On June 22, 2004, the AHF Africa [REDACTED] instructed the AHF Comoros branch to take a series of actions to comply with AHF intentions to cease its operations outside of Saudi Arabia and close all of its overseas branches [REDACTED] As of mid-July 2004, neither AHF in the Comoros, nor the government of the Comoros, took any discernible action to suspend operations, [REDACTED] Exhibit 145] [REDACTED] As of the summer of 2004, the U.S. was engaged in efforts to share information with the Comoros government on AHF. [Source: [REDACTED] Exhibit 146; [REDACTED], Exhibit 147]

(S) [REDACTED] As of early June 2000, AHF in Ethiopia reportedly was providing support to AIAI, which in Ethiopia, has engaged in attacks against Ethiopian defense forces, [REDACTED] Exhibit 85]

(S) In Bangladesh, Sayid Nasir, an admitted terrorist planner in Indian custody since December 16, 1998, reported that he first learned of plans to attack the U.S. consulates in Chennai and Calcutta, India, during a September 17, 1998 meeting at AHF in Bangladesh. [REDACTED] Exhibit 62] ¹⁶

¹⁴ [REDACTED]

¹⁵ (S) The following sources include additional information on Al Qaida and other activities of concern in the Comoros. [REDACTED], Exhibit 143; United States of America v. Usama Bin Laden, et al., trial transcript, May 2, 2001, Exhibit 140; United States of America v. Usama Bin Laden, et al., trial transcript, May 7, 2001, Exhibit 141; United States of America v. Usama Bin Laden, et al., trial transcript, May 8, 2001, Exhibit 142]

¹⁶ [REDACTED] [Source: [REDACTED] Exhibit 110; [REDACTED] Exhibit 112; [REDACTED], Exhibit 113; [REDACTED], Exhibit 114; [REDACTED] Exhibit 115]

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~~TOP SECRET~~(U) IRAQ and SOMALIA

(TS) [REDACTED] As early as November 2002, AHF senior official Al-Mashari had begun preparing for a post-war Iraq relief effort [REDACTED]

[REDACTED] As of May 2003, AHF, identified as a Saudi-based NGO with ties to Al Qaida, was reportedly pushing hard to field a platform in Iraq, which extremists could use to support anti-U.S. activities, [REDACTED]

[REDACTED] Exhibit 15; [REDACTED] In mid-August 2003, a Saudi AHF official, [REDACTED] requested detailed information, to be provided to AHF's Riyadh office, on the Islamic organization being set up by the Iraq-based "Abu Saleh group," [REDACTED]

(TS)

[REDACTED] Abu Musa'ab Al-Zarqawi and the Ansar al Islam (AI) organization are Specially Designated Global Terrorists pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, September 24, 2003, Exhibit 25]

[REDACTED] Exhibit 29; [REDACTED] Exhibit 30; See also [REDACTED] Exhibit 32] The Asbat al-Ansar and Hamas organizations are Specially Designated Global Terrorists pursuant to the authorities of E.O. 13224.

(TS)

[REDACTED] AHF in Somalia is a Specially Designated Global Terrorist pursuant to the authorities of E.O. 13224. See also evidentiary supporting the designation of Zam Zam.

(S)

[REDACTED] Exhibit 35]

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(S) [REDACTED] Some information suggests AHF took steps to shut down some of its activities.

[REDACTED]

Exhibit 11] By mid-August 2004, AHF reportedly intended to discontinue its overseas operations and close all of its overseas branches, [REDACTED]

(U) ALBANIA AND KOSOVO

(S) [REDACTED] UBL reportedly financed the establishment of AHF in Albania, which has been used as cover for terrorist activity in Albania and in Europe, [REDACTED] Source:

[REDACTED]

Exhibit 75] In 1998, the head of Egyptian Islamic Jihad (EIJ) in Albania was reportedly also the "accountant" for AHF in Albania, according to a French news report. [Source: FBIS, Paris Le Figaro in French, September 30, 1998, Exhibit 91] This individual, Ahmed Ibrahim al-Nagar, was reportedly extradited from Albania to Egypt in 1998. At his trial in Egypt, al-Nager reportedly voiced his support for UBL and Al Qaida's terrorist attacks against the U.S. Embassies in Tanzania and Kenya, according to Agence France Presse. [Source: Agence France Presse, February 1, 1999, Exhibit 93]

(S) [REDACTED] In January 2002, Salih Tivari, a senior official of the moderate Albanian Muslim community, was murdered. [REDACTED]

[REDACTED]

Exhibit 101]

(TS) [REDACTED] As of early September 2002, AHF was reportedly withdrawing virtually all funding to the Albanian Islamic community [REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED] Exhibit 78]~~(TS)~~[REDACTED]
[REDACTED]
[REDACTED] Exhibit 82]

~~(TS)~~ [REDACTED] AHF should be determined to be subject to Executive Order 13224 for the following reasons:

- AHF is owned or controlled by, or acts for or on behalf of, or is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, or is associated with Al Qaida.
- By providing instructions and support to AHF in Bosnia, AHF is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of AHF in Bosnia.
- By providing instructions to AHF in Somalia, AHF is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of AHF in Somalia.

(U) Soliman AL-BUTHE

(U) AL-BUTHE is identified as the Treasurer of the Oregon branch of AHF, according to the U.S. AFH tax form 990 for 2001 filed with the IRS. [Source: AHF Tax Form 990, 2001, Exhibit 39] Resident in Riyadh, Saudi Arabia, AL-BUTHE also is identified as assisting in the establishment of the Oregon branch of AHF, and as the chairman of AHF's U.S. Committee, according to an Affidavit in Support of an Application for Search Warrant and local news reports. [Source: United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95; The Oregonian, January 10, 2004, Exhibit 121; The Sunday Oregonian, November 9, 2003, Exhibit 103] In a document signed by AHF's leader Al-Aqil, AHF in Saudi Arabia appointed AL-BUTHE "true and lawful attorney in [AHF's] name, place and stead," apparently giving AL-BUTHE broad legal authority to act on AHF's behalf in the U.S. [United States District Court, District of Oregon, Affidavit in Support of an Application for Search Warrant, Exhibit 95]

~~(S)~~ [REDACTED] Though AL-BUTHE, according to one report, is not a member of AHF's board in Riyadh, Saudi Arabia, he is identified as a senior AHF official. [REDACTED]
[REDACTED]

¹⁷ (U) The National Liberation Army is designated pursuant to the authorities of E.O. 13304.

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[REDACTED] Exhibit 126] AL-BUTHE's role as a senior AHF official is corroborated in part by information obtained by the FBI and entered into evidence in federal court in Idaho.¹⁸ One U.S. government exhibit, a letter drafted on AHF "head office-Riyadh" stationery, identifies AL-BUTHE as the President of AHF's Internet Committee. [Source: Copy of Government Exhibit F139a, Exhibit 127]

(U) Other government exhibits show that AL-BUTHE had signature authority to sign contracts on behalf of AHF's head office in Riyadh, Saudi Arabia. On or about February 15, 2002, a "Memorandum of Agreement," drafted on AHF "head office-Riyadh" stationery, showed that AL-BUTHE represented AHF in an agreement that was signed with a U.S. party for the development and distribution of religious materials. [Source: Government Exhibit F67A, Exhibit 128] In two other related contracts, AL-BUTHE also represented AHF in signing agreements. [Source: Copy of Government Exhibit F61A, Exhibit 129; E010(4B36-31-098 to 100), Exhibit 130]

(TS) [REDACTED] As of mid-March 2004, AL-BUTHE was working hard to prevent the "total dissolution" of AHF, [REDACTED] AHF was still raising money and [REDACTED] it was "still very easy to get money out of the Kingdom by just making a telephone call," [REDACTED]

(TS) [REDACTED] As of April 2004, AL-BUTHE appeared to be functioning as a clearinghouse for moving AHF funds from Saudi Arabia to the U.S. [REDACTED] AL-BUTHE has been acting as the conduit for sending funds on behalf of AHF to the U.S. to pay at least \$515,316 in legal fees between June 2003 and April 2004. These funds reportedly were to assist in the legal defense of himself, AHF, AHF leader Aqeel Al-Aqil²¹ and others, including

¹⁸ (U) This evidence was entered into evidence in Federal court in Idaho as part of the prosecution of alleged terrorist supporter Sami Omar Al-Hussayen. After seven days of deliberations, on June 11, 2004, jurors in Idaho found Al-Hussayen not guilty of three terrorism-related charges. [Source: The Idaho Statesman, June 11, 2004, Exhibit 122; Correspondence from Bernabei & Katz, PLLC to OFAC, August 4, 2004, (AHF Counsel Exhibits 7 and 8), Exhibit 151] According to the Superseding Indictment, the Federal government sought to prove that Al-Hussayen provided Internet and computer expertise to support and recruit for violent Jihad. This support was allegedly provided to AHF, Hamas, and a list of extremist websites, one or more of which contained explicit calls for violence against non-Muslims and urged visitors to participate in, or make financial contributions to support violent Jihad. [Source: United States District Court for the District of Idaho, United States of America vs. Sami Omar Al-Hussayen, Second Superseding Indictment, Exhibit 120] Despite the jury's finding, information available to OFAC shows that some of this evidence may be reasonably relied upon in the present administrative action. That this evidence did not contribute to a jury finding of proof beyond a reasonable doubt in a criminal proceeding does not negate the merits and integrity of the evidence, nor does it preclude OFAC from reviewing and evaluating some or all of this evidence for use in this or other separate administrative actions.

¹⁹ (U) These actions are in contradiction to the stated policy of the government of Saudi Arabia. On June 2, 2004, the Adviser to Saudi Crown Prince Abdullah stated that existing entities, including AHF, will be dissolved or have their assets folded into the Saudi National Entity for Charitable Work Abroad. [Source: Federal News Service, June 2, 2004, Exhibit 135]

²⁰ (U) These actions also run counter to Saudi government policy as stated on June 2, 2004. The Adviser to Saudi Arabia Crown Prince Abdullah explained that the Saudi National Entity for Charitable Work Abroad will be the sole vehicle through which all private Saudi donations will go to help those in need. According to the Saudi advisor, the purpose of this effort is to put in place new regulations and financial control mechanisms to ensure that people "don't take advantage of our financial system or of our charities." [Source: Federal News Service, June 2, 2004, Exhibit 135]

²¹ (U) Al-Aqil, on June 2, 2004, was named as a Specially Designated Global Terrorist pursuant to the authorities of E.O. 13224.

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Muhammad Jamal Khalifa.²² [REDACTED] AL-BUTHE also was reportedly arranging fundraisers on behalf of a U.S. person that is on the board of directors of a U.S. organization [REDACTED]

(U//FOUO) FBI investigation revealed that AL-BUTHE, on behalf of AHF, entered into agreements to work closely with alleged terrorist supporter Sami Omar Al-Hussayen, who was charged by Federal prosecutors in Idaho with material support for terrorism. [Source: Government Exhibit F67A, Exhibit 128; Copy of Government Exhibit F61A, Exhibit 129; E010(4B36-31-098 to 100), Exhibit 130] According to the Superseding Indictment, Al-Hussayen allegedly provided Internet and computer expertise to support and recruit for violent Jihad. This support was allegedly provided to AHF, Hamas, and a list of extremist websites, one or more of which contained explicit calls for violence against non-Muslims and urged visitors to participate in, or make financial contributions to support violent Jihad. [Source: United States District Court for the District of Idaho, United States of America vs. Sami Omar Al-Hussayen, Second Superseding Indictment, Exhibit 120] On June 11, 2004, after seven days of deliberation, jurors in Idaho found Al-Hussayen not guilty of the three terrorism-related charges. [Source: The Idaho Statesman, June 11, 2004, Exhibit 122]

(U//FOUO) FBI investigation of one of the extremist websites revealed that AL-BUTHE provided support to the radical Saudi Shaykh Salman Al-Awdah.²⁴ A government exhibit entered into evidence in the Idaho trial identifies AL-BUTHE as the owner, Chairman/Managing Director, administrator, and billing contact for islamtoday.net. [Source: Copy of Government Exhibit D15, Exhibit 131] This website is identified as "owned" and "under the supervision of" Al-Awdah, according to public Internet sources.²⁵ Additional information obtained by the FBI indicates that AL-BUTHE, with Al-Awdah's approval, stopped working for islamtoday.net in August 2002. [Source: Government Exhibit F770a, Exhibit 134]

(U) On February 18, 2004, Federal law enforcement authorities executed a search warrant against property purchased on behalf of AHF in Ashland, Oregon. The search was conducted pursuant to a criminal investigation into possible violations by AL-BUTHE (and Seda) of the Internal Revenue Code, the Money Laundering Control Act and the Bank Secrecy Act. In a

²² (U) These persons are named as defendants in a law suit filed by victims of the 9-11 attacks. [Source: Burnett v. al Baraka Investment and Dev. Corp., Third Amended Complaint, In the United States District Court for the District of Columbia, Exhibit 140]

²⁴ (U) Al-Awdah is a senior Saudi Shaykh providing support to the Al Qaida network. Evidence of this support was shared with the government of Saudi Arabia in or about late May or early June 2004. The administrative records supporting the proposed designation of Al-Awdah are incorporated into this document by this reference.

²⁵ (U) [Source: http://www.networksolutions.com/en_US/whois/results.jhtml?jsessionid=BWLC5HMK50B..., accessed on 6/7/2004, Exhibit 132; <http://anon.user.anonymizer.com/http://www.islamtoday.net/english/default.cfm>, accessed on 6/7/2004, Exhibit 133]

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separate administrative action, OFAC blocked pending investigation AHF accounts and real property in the U.S. to ensure the preservation of AHF assets pending further investigation. [Source: U.S. Department of Treasury, Press Room, February 19, 2004, Exhibit 94; United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

~~(S)~~

Exhibit 125]

~~(TS)~~

AL-BUTHE should be determined to be subject to Executive Order 13224 for the following reasons:

- A senior AHF official, AL-BUTHE controls, or acts for or on behalf of, or is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, or is associated with AHF.
- By serving as a senior AHF official, AL-BUTHE acts for or on behalf of, or is assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, or is associated with Al Qaida.

~~(S)~~

Information on additional senior AHF officials is included below. Al-Aqil was designated pursuant to the authorities of E.O. 13224 on June 2, 2004; Seda, Al-Kadi, Al-Mashari, and M.K. Al-Akil were not.

(U) Pete Seda Ghattyy

(U) On the U.S. AFH's tax form 990 for 2001 filed with the IRS, Seda is identified as AHF's Secretary. [Source: AHF Tax Form 990, 2001, Exhibit 39] Seda also is identified as the registered agent for AHF in the U.S. and as a member of the board of directors of AHF in the U.S., according to an Affidavit filed in federal court in the U.S. [United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95] AHF in the U.S. allegedly appeared to first establish its presence in the U.S. when Seda and AL-BUTHE registered AHF with the Oregon Secretary of State as an assumed business name in October 1997. [United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(U) Following the dual-U.S. Embassy bombing attacks in East Africa in August 1998, Seda reportedly confided to an FBI source that he was "in trouble." When asked by the FBI source to elaborate, Seda said that he received \$500,000 from UBL--"through Bosnia." Seda was described as a "fundamentalist" who has sought to convert prison inmates to the Islamic faith. [Source: File# 265A-NY-280350-302, Exhibit 38]

(U) In late 2001, Seda sought a license from OFAC to purportedly assist Afghan refugees in border camps in Iran on the Iranian/Afghanistan border. [Source: Correspondence from Perouz Seda Ghaty to the OFAC Licensing Division, November 1, 2001, Exhibit 37] As part of Seda's request, he reported that Shaykh Al-Aqil, identified as the President of AHF, agreed to Seda's proposal to fund \$500,000 for assistance to Afghan refugees in border camps in Iran. On the U.S. AFH's tax form 990 for 2001 filed with the IRS, Al-Aqil is identified as the President, Al-

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Kadi as the Vice President, Al-Buthe as the Treasurer, and Seda as the Secretary. [Source: AHF Tax Form 990, 2001, Exhibit 39] The U.S. AHF branch's Articles of Incorporation and application to the IRS for tax-exempt status also list Al-Aqil and Al-Kadi as members of the board of directors. [United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(TS) [REDACTED] As of March 2003, due to pressure from the U.S. on Saudi authorities to close AHF, Al-Aqil and Al-Kadi reportedly resigned from the U.S. AHF office. [REDACTED]

[REDACTED] and information submitted to OFAC by AHF's Counsel, [REDACTED] Correspondence from Bernabei & Katz, PLLC to OFAC, August 4, 2004, (AHF Counsel Exhibits 1 and 2), Exhibit 151] On February 18, 2004, Federal law enforcement authorities executed a search warrant against property purchased on behalf of AHF in Ashland, Oregon. The search was conducted pursuant to a criminal investigation into possible violations by Seda and (AL-BUTHE) of the Internal Revenue Code, the Money Laundering Control Act and the Bank Secrecy Act. In a separate administrative action, OFAC blocked pending investigation AHF accounts and real property in the U.S. to ensure the preservation of AHF assets pending further investigation. [Source: U.S. Department of Treasury, Press Room, February 19, 2004, Exhibit 94; United States District Court, District of Oregon, Affidavit in Support of an Application for search Warrant, Exhibit 95]

(U) Aqeel Abdelaziz Al-Aqil

(TS) [REDACTED] AHF's founder and Director, at least until late 2003, was Aqeel Abdelaziz Al-Aqil. [Source: [REDACTED] Exhibit 10; The New York Times, September 26, 2003, Exhibit 102] As of January 2003, the U.S. judged that AHF Director Al-Aqil²⁶, who managed AHF's business on a day-to-day basis, was providing funds to offices with terrorist ties in ways that avoided foreign government scrutiny, such as using personal bank accounts to transfer official AHF funds. [Source: [REDACTED] Exhibit 8]

[REDACTED] Exhibit 42] Al-Aqil also is identified as AHF's President and Chairman. [Source: AHF Tax Form 990, 2001, Exhibit 39; The Sunday Oregonian, November 9, 2003, Exhibit 103; [REDACTED] Al-Hayah in Arabic, March 1, 2004, Exhibit 105]

(TS) [REDACTED] By early 2004, Al-Aqil reportedly had been removed from his position as head of AHF, according to a variety of reporting. Yet according to a Saudi news report, Al-Aqil reportedly stated, "I resigned willingly. I wanted to give new blood a chance to assume the responsibilities, since I have personal business that I need to attend to. I have not left the organization, I have just resigned as General Manager, I will stay on as an active member and as an advisor," according to diplomatic reporting. Al-Aqil had reportedly been the head of AHF for over twenty years. [REDACTED] Exhibit 71; [REDACTED] Exhibit 72; [REDACTED] Exhibit 97; See also [REDACTED] Al-Hayah in Arabic, January 8, 2004, Exhibit 104]

(U) Among the reasons for Al-Aqil's removal was his "absolute centralization" of AHF, according to a Saudi news report. [Source: [REDACTED] Al-Hayah in Arabic, January 8, 2004,

²⁶ (TS) [REDACTED] The following additional examples identify Al-Aqil as the head of AHF. [Source: [REDACTED] Exhibit 42]

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(TS) [REDACTED] Al-Aqil had been arrested by Saudi authorities, [REDACTED] Also in early 2004, [REDACTED] identified Al-Aqil as a suspected Al Qaida supporter that handled the collection of funds for "freedom fighters" in areas including Afghanistan, Bosnia, Chechnya, Kosovo, and Somalia. [REDACTED]

(S) [REDACTED] Al-Kadi is [REDACTED] as one of AHF's main leaders and as Al-Aqil's deputy, [REDACTED] AHF's Deputy Director and Vice President, [REDACTED] Exhibit 45; [REDACTED] Exhibit 42; [REDACTED] Exhibit 46; Exhibit 47; AHF Tax Form 990, 2001, Exhibit 39; [REDACTED] Exhibit 48; [REDACTED] Exhibit 51]

Exhibit 451

(S) Hisham Al-Mashari

(S) [REDACTED] AHF's Hisham Al-Mashari is a known operative in UBL's terrorist support network, according to the FBI. [REDACTED] Exhibit 211

²⁷ [Source: [REDACTED] Exhibit 45; [REDACTED] 001094, Exhibit 47; AHF Tax Form 990, 2001, Exhibit 39;

²⁸ [Source: [REDACTED], Exhibit 45; [REDACTED] Exhibit 67; [REDACTED] Exhibit 68; [REDACTED], Exhibit 69]

[REDACTED]
[REDACTED]
[REDACTED] Exhibit 12]

(TS [REDACTED] Following the designation of the Al Qaida-affiliated AHF Bosnia office,²⁹ and the subsequent raid of the Bosnia AHF office by Bosnian authorities on June 3, 2002, Al-Mashari ordered all AHF employees to say little and answer only specific questions in their area of expertise. Al-Mashari reportedly offered to risk imprisonment and come to Bosnia "to assist,"

[REDACTED]
[REDACTED] See also evidentiary supporting the

designation of the a/k/a for AHF in Bosnia, "Vazir."

(TS [REDACTED] In December 2003, an Albania-based AHF official [REDACTED] expected to receive \$17,813 [REDACTED]

[REDACTED] to transfer this amount to Al-Mashari.

[REDACTED] Exhibit 55]

(TS [REDACTED] In 2000, an individual in Turkey "charg[ed]" by the United Nations as a terrorist, and who reportedly admitted engaging in militant preaching, received Al-Mashari's agreement to assist him relocate from Turkey, [REDACTED]

(S [REDACTED] Abd-al-Rahman [M.K. Al-Aqil]

(S [REDACTED]
[REDACTED] Exhibit 58] From mid-December 2001 through mid-March 2002, M.K. Al-Aqil reportedly transferred, [REDACTED] over \$7,600 from Saudi Arabia to a Budapest, Hungary recipient of other AHF funds transfers. [REDACTED]

²⁹ (U) AHF's Bosnia office was designated on March 11, 2002 pursuant to the authorities of E.O. 13224. [Source: U.S. Department of Treasury, Press Room, March 11, 2002, Exhibit 24]

³⁰ (U) Subsequent to the designation of AHF in Bosnia, it reopened under the name Vazir. On December 22, 2003, Vazir was designated pursuant to the authorities of E.O. 13224. Saudi Arabia joined the U.S. to request that the UN 1267 Sanctions Committee also list Vazir. [Source: U.S. Department of Treasury, Press Room, December 22, 2003, Exhibit 98]

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Exhibit 59]³¹

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